

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FILED

MAR 11 2011

No. 5:10-HC-2231-BO

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

RAMSON MARTIN JONES,
Petitioner,

v.

ASA BUCK, SHERIFF,
Respondent.

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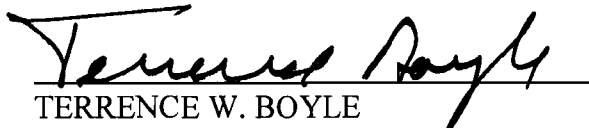
ORDER

Petitioner filed this habeas corpus petition pursuant to 28 U.S.C. § 2241. Presently, the matter is before the court on initial review. See 28 U.S.C. § 2243. To begin, the proper party respondent for a habeas petition is the officer who has custody over the applicant, i.e. the warden. Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004); see 28 U.S.C. § 2242. Therefore, petitioner has 14 days from the filing of this order to provide the warden's name as the proper respondent.

Secondly, it appears that petitioner has been transferred from Carteret County Detention Center. (See <http://webapps6.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=0217916&searchLastName=JONES&searchFirstName=RAMSON&listurl=pagelistoffendersearchresults&listpage=1>) Petitioner has failed to provide the court with any forwarding address as required by Local Civil Rule 83.3, EDNC. The court has no indication that petitioner seeks to proceed with this action. Therefore, if petitioner seeks to continue with this action he must state such in his response to the court. Likewise, if petitioner does seek to proceed he must address the viability of his petition in that he attacks pre-trial issues such as speedy trial, but now appears to have been convicted and serving an active sentence.

The Clerk is DIRECTED to send this order to both the docket sheet's indicated address and Central Prison. Petitioner is notified his failure to respond shall result in the action being dismissed without prejudice. Furthermore, the Clerk is DIRECTED to dismiss the action without prejudice if no response is received within the 14 day period allowed by this order. The motion to issue subpoenas is DENIED (D.E. # 3) for ripeness given the matter has yet to survive an initial review.

SO ORDERED, this 16 day of March 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE